Social Services Appeal Board

Annual Report 2004 - 2005

Manitoba

MINISTER OF
FAMILY SERVICES AND HOUSING

Room 357
Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

September 2005

His Honour John Harvard
Lieutenant-Governor
Province of Manitoba

May It Please Your Honour:

I have the pleasure of presenting herewith the Annual Report of the Social Services Appeal Board for the year 2004/2005.

Respectfully submitted,

Christine Melnick
Minister, Family Services and Housing

106-00363/

Manitoba

Social Services
Appeal Board

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September 2005

Honourable Christine Melnick
Minister of Family Services and Housing
357 Legislative Building

Dear Madam:

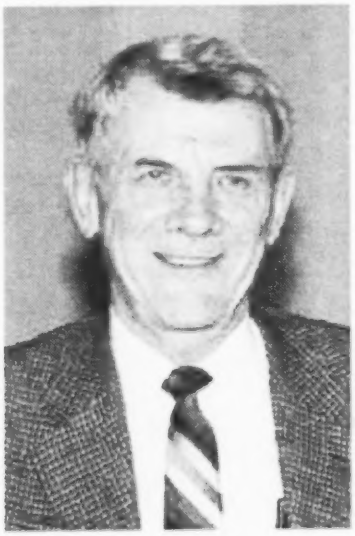
Attached is the Annual Report of the Social Services Appeal Board for the fiscal year ending March 31, 2005. This is the third independently produced Annual Report since *The Social Services Appeal Board Act* was proclaimed in February 2002.

The Board is proud of its continued efforts to provide a fair and equitable appeal process for the citizens of Manitoba, and continues to carry out its mandate of providing advice on program and policy issues that arise through appeal hearings.

The section on case examples in this report, along with the examples in the previous two reports, gives a good picture of the kinds of matters considered by the Board and the actual quality of decisions. Community input during the hearing process that culminated in the Social Services Appeal Board Act noted the need for information that would provide guidance and make the appeal process real for possible appellants and advocates. I trust the examples are useful and that the report's distribution gives citizens an opportunity to appreciate the appeal process.

This document reports the Board's continued good work, and I respectfully submit it to your attention.

David Schellenberg
Chairperson



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Board Membership

The Social Services Appeal Board (SSAB) consists of 15 members who are appointed by the Lieutenant Governor in Council. Members must represent the social, economic, and cultural diversity of the Province. They must also exhibit knowledge of the social programs and services that have the right of appeal to the Appeal Board. Members cannot be employees of a Minister responsible for an Act in which the right of appeal is granted. Each member is appointed for a term of two years and may be reappointed for two additional two-year terms.

Staff that support the activities of the Board are employed by the Department of Family Services and Housing.

Appeal Board Appointees during the 2004/05 fiscal year:

Chairperson: David Schellenberg

Vice-chairs: Rose Buss
Pat Chimney

Members: Kristine Barr
Robert Doherty
George Dyck
Patrick Fortier
Kelley Gibbings
Paula Keirstead
Leslie King
Kana Mahadavan
Larry Morrissette
Linda Shewchuk
Robert Smith
Cindy Stroppa

Social Services Appeal Board Staff:

Heather Hamelin, Director
Judi Moxley, Assistant Director
Linda Bothorel, Administrative Assistant
Karen McKane, Administrative Secretary

Legal Counsel: Lawrie Cherniak

Jurisdiction of the Social Services Appeal Board

The Social Services Appeal Board is the independent appeal body for the majority of programs and services provided by the Department of Family Services and Housing (FSH). The Board reports directly to the Minister of FSH.

The Board was first established in 1959 by *The Department of Welfare Act*. In 1974, that Act was repealed and the Board continued under the provisions within *The Social Services Administration Act*. On February 18, 2002, *The Social Services Appeal Board (SSAB) Act* was proclaimed.

Under *The Social Services Appeal Board Act*, the Board has the ability to determine its own administrative policies and procedures. A series of information bulletins have been developed and made available in order to provide this information to the public.

The Board's decision cannot be overturned by the Minister's office. Only the Board, through a reconsideration of its decision, or the Court of Appeal, may overturn a decision.

There are several different issues that can be appealed. These are summarized below:

Adoption Agency Licensing

Under Section 9 of *The Adoption Act*, an individual may file an appeal with the Appeal Board if the Director refuses to issue a licence for an adoption agency. An individual may also file an appeal if a licence that was previously issued has been suspended, cancelled or revoked.

Child Care Facility Licensing

A person who is refused a licence for the operation of a child care facility other than a foster home or whose licence is suspended, cancelled or refused renewal may appeal this decision to the Appeal Board under Section 8(5) of *The Child and Family Services Act*.

Child Day Care Licensing and Subsidies (currently known as Child Care Licensing and Subsidies)

Section 20 of *The Community Child Care Standards Act* allows the Board to hear appeals on the following four issues:

- the refusal to issue a licence to a child day care facility;
- the suspension or revocation of a child day care facility licence;
- the imposition of terms or conditions on a child day care facility licence; or
- the denial or alteration of a child day care subsidy.

Financial Assistance Programs

Employment and Income Assistance Program

Subsection 9(3) of *The Employment and Income Assistance* (EIA) *Act* gives an individual the right to appeal to the Appeal Board for the following reasons:

a) the person was not allowed to apply or re-apply for income assistance or municipal assistance;
b) the person's request for income assistance or municipal assistance was not decided upon within a reasonable amount of time;
c) the person's application for income assistance was denied;
d) the amount of income assistance or municipal assistance was cancelled, suspended, varied, or withheld;
e) the amount of income assistance or municipal assistance provided was insufficient to meet the person's needs.

The right to appeal decisions respecting both the EIA program and the Municipal Assistance program is provided under Section 9 of *The EIA Act*. (It should be noted that effective June 1, 2004, the Municipal Assistance program ended.)

55-PLUS Junior Component

The Junior Component of the 55-PLUS Program gives the right to appeal if an applicant is told that he or she is not eligible to receive benefits under the 55-PLUS Program. An appeal may also be filed if an individual disagrees with the level of benefits that he or she is receiving under the Program. The right to appeal for these reasons is granted under Section 9 of the "Income Supplement for Persons Not Eligible for Old Age Security Benefits (55-PLUS) Regulation" of *The Social Services Administration Act*.

Manitoba Prenatal Benefit

If an individual disagrees with the assessment or re-assessment of their Manitoba Prenatal Benefit, the individual can appeal this decision under Section 12 of the "Manitoba Prenatal Benefit Regulation" under *The Social Services Administration Act*.

Residential Care Facility Licensing

A person may appeal the Department's decision to deny, suspend or cancel a licence for a residential care facility. An individual may also file an appeal with the Appeal Board if a letter of approval relating to a residential care facility is cancelled or suspended. The right to appeal these decisions is granted under Section 13 of *The Social Services Administration Act*.

Vocational Rehabilitation Services Program (Eligibility)

The Appeal Board hears appeals regarding the Vocational Rehabilitation Services Program. An appeal may be filed if the Director refuses an application on the grounds that the applicant does not meet the eligibility criteria for enrolment. The right to appeal this decision is granted under Section 6 of the "Vocational Rehabilitation of Disabled Persons Regulation" under *The Social Services Administration Act*.

Vulnerable Persons Living with a Mental Disability Program (Eligibility and Individual Care Plan)

The Appeal Board is also responsible for hearing appeals regarding *The Vulnerable Persons Living with a Mental Disability Act*. Section 16 of the Act allows individuals to appeal when a person's eligibility for entrance into the program is denied, or there is a dispute concerning the individual's support services plan.

Financial Information

In 2004/05, the annual budget for the Social Services Appeal Board was $365,200. This amount was apportioned into $276,900 for staff and board salaries and benefits, and $88,300 for operating costs. The actual expenditures were $416,200 for an over expenditure of $51,000.

The board members' per diem payments are paid from salary expenses. In the 2004/05 fiscal year, the amount spent on board per diems was $91,262.

Actual Expenditures*

09-1C Social Services Appeal Board

Expenditures by Sub-appropriation	Actual 2004/05 $000	FTE**	Estimate 2004/05 $000	Variance Over(Under)***
Total Salaries and Employee Benefits	321.7	4	276.9	44.8
Total Other Expenditures	94.5		88.3	6.2

* Amounts are expressed as thousands of dollars.

** FTEs do not include Board positions.

*** Board members received an increase in per diems this past year, which accounted for the overage in salaries.

Board members are paid a per diem when they attend hearings, meetings, and training sessions. For a full day, the Chairperson receives $243.00 and Board members, including the Vice-chairs, receive $139.00. For a half day, the Chairperson receives $138.00 and the Board members and Vice-chairs receive $79.

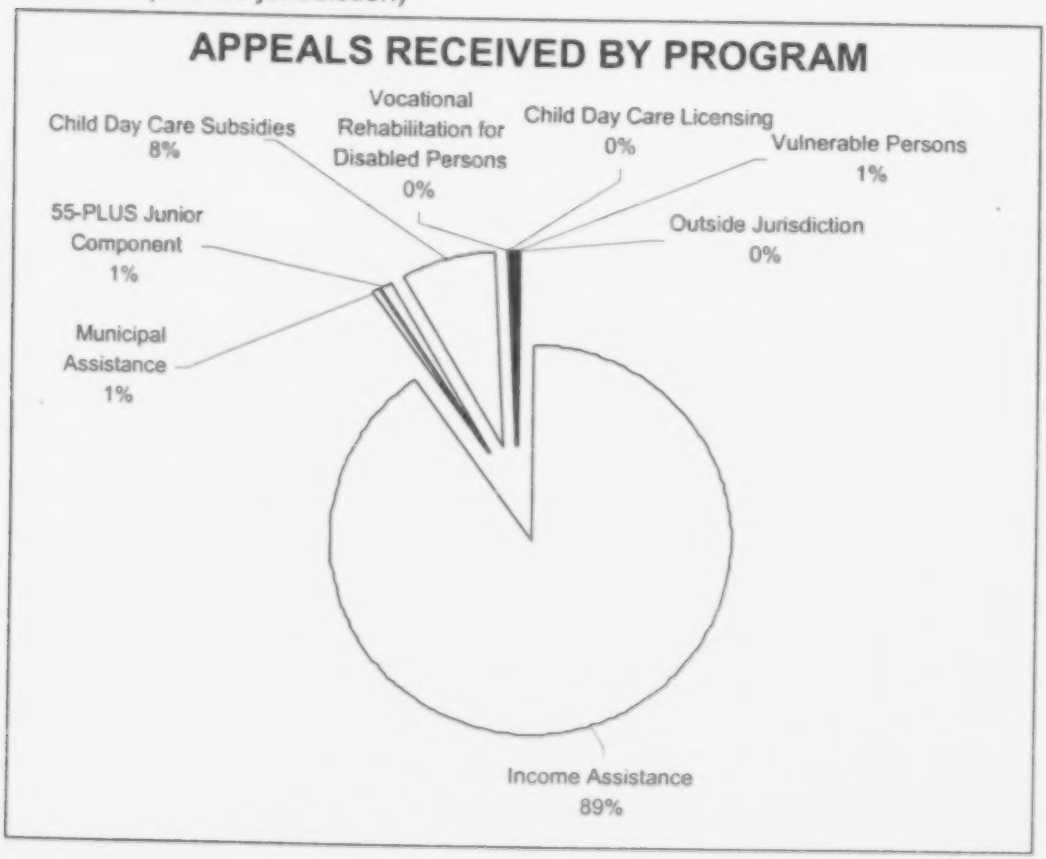
Appeal Activity

In the **2004/2005** fiscal year, there were a total of *769* appeals filed compared to 777 the previous fiscal year.

Appeals filed by Program:

The 769 appeals broken down by program area are as follows:

Income Assistance	693
Child Day Care subsidies	58
55 PLUS-Junior Component	7
Vulnerable Persons	4
Municipal Assistance[1]	4
Vocational Rehabilitation for Disabled Persons (VRDP)	1
Child Day Care Licensing	1
Undefined (outside jurisdiction)	1

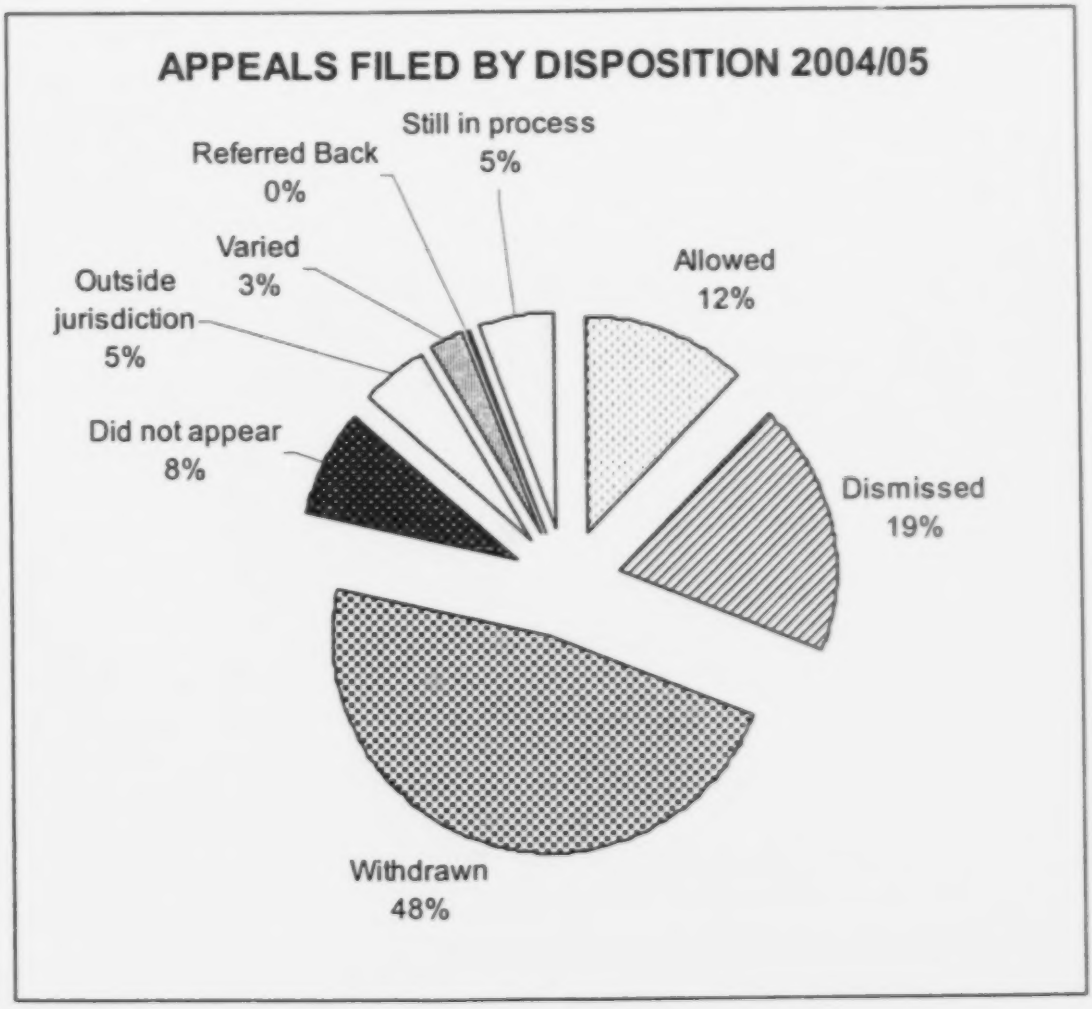

APPEALS RECEIVED BY PROGRAM
Child Day Care Subsidies 8%
Vocational Rehabilitation for Disabled Persons 0%
Child Day Care Licensing 0%
Vulnerable Persons 1%
55-PLUS Junior Component 1%
Outside Jurisdiction 0%
Municipal Assistance 1%
Income Assistance 89%

Note:

[1] The Municipal Assistance Program ended effective June 1, 2004.

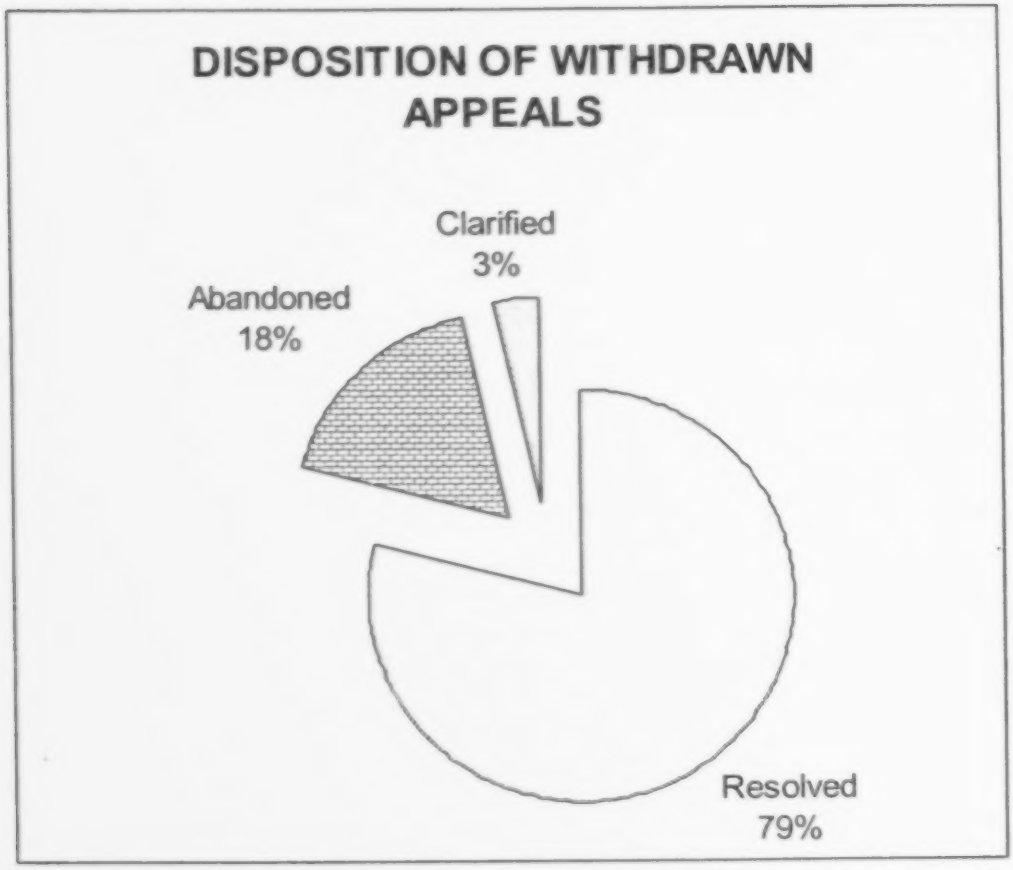
Appeals filed by Disposition:

	2004/05	%	2003/2004	%
Allowed	93	12	103	13
Dismissed	146	19	128	16
Withdrawn	365	47	327	42
Did not appear	62	8	51	7
Outside jurisdiction	38	5	35	5
Varied	20	3	0	0
Referred Back	3	0	0	0
Still in process	42	5	133	17
TOTAL	**769**	**99**	**777**	**100**



Withdrawn appeals:

Resolved[1]	289
Abandoned[2]	64
Clarified[3]	12



The **365** that were withdrawn combined with the **93** that were allowed result in **458** or **59%** of total appeals whose outcome was in favour of the appellants.

Notes:

[1] A **resolved** appeal means that some action was taken by the Department to address the concerns raised in the appeal.

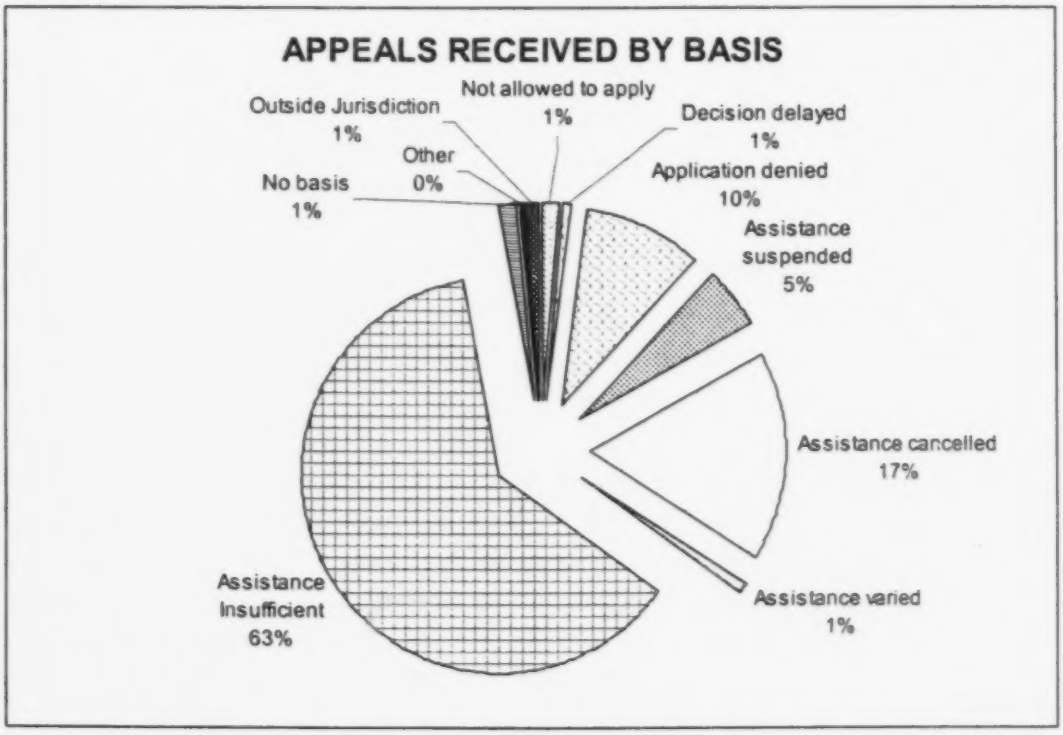
[2] A **clarified** appeal means that an explanation by the Department caused the appeal to be withdrawn.

[3] An **abandoned** appeal means that the Appeal Board has been unable to contact the appellant for a significant period of time and their appeal has been closed.

Basis of Appeal:

Of the ***769*** appeals filed during the **2004/05** fiscal year, the bases for appeal were as follows:

Assistance insufficient	478
Assistance cancelled	132
Application denied	75
Assistance suspended	38
No basis	11
Not allowed to apply	10
Outside jurisdiction	8
Assistance varied	8
Decision delayed	7
Other	2



Allowed Appeals:

For the **2004/2005** fiscal year, there were **93** appeals allowed. Disposition of the allowed appeals was as follows:

Provincial Income Assistance	90
Child Day Care Subsidy	1
Vulnerable Persons	2

Reason for Appeals:

Of the ***769*** appeals received for **2004/2005**, the most common reasons for filing appeals were as follows:

Medical Eligibility	165
Financial Resources	102
Non Cooperation	85
Overpayments	51
Health Needs	50
Shelter Costs	48
Special Needs	45
Irresponsible Job Termination	18
Common-Law Union	12
Moving Costs	12
Sanctions	11
Education Needs	7

These reasons apply to ***606*** appeals, or ***78%*** of the total appeals filed.

Requests for Reconsideration:

	2004/05	2003/04
Total requests received	42	26
From appellant	30	23
From respondent	11	2
Board initiated	1	1

Program breakdown of Reconsideration Requests:

	2004/05	2003/04
Income Assistance	39	24
Municipal Assistance	1	2
Vulnerable Persons	2	0

Disposition of Reconsideration Requests:

	2004/05	2003/04
Requests granted	8	7
Requests denied	30	19
Withdrawn	4	0

Of the Requests Granted:

	2004/05	2003/04
Decision Upheld	0	1
Decision Varied	1	2
Decision Overturned	4	2
Request Withdrawn	3	1
Pending	0	1

2004/05 Summary of Advisory Role

The Social Services Appeal Board Act enables the Appeal Board to advise and make recommendations to the Minister about social services provided under the designated Acts. In order to fulfill this mandate, the Board meets on a quarterly basis to discuss issues that have arisen during the course of appeal hearings. In addition, the Board may form ad hoc committees to examine a specific issue in more detail.

The following is a summary of the issues brought to the attention of the Minister during the 2004/2005 fiscal year.

The Board had recommended that some changes be made to the current process of determining medical eligibility under Section 5(1)(a) of *The Employment and Income Assistance Act.* Subsequently, the Minister encouraged the Board to submit specific suggestions and the Board formed an ad hoc committee to develop recommendations. The committee's report is expected to be available in the 2005/2006 fiscal year.

The Board has also formed the "Fair Practices Committee," a group tasked with examining ways in which the Department can develop an internal mechanism to address complaints regarding the treatment of clients.

The Board also recommended that the department consider developing some type of incentive or exemption system to be used to encourage the seeking and paying of child maintenance payments.

The board also heard many appeals concerning the level of assistance provided for shelter costs. The Board is deeply concerned that the current shelter allowances do not correlate to government sanctioned yearly rental increases and has requested that the Department review the current shelter rates permitted under the Employment and Income Assistance Regulation.

The Board once again expressed concern that no changes have been made to the practice of assessing deemed income without an end date, which can cause an ongoing financial hardship for a participant. Other issues identified for review include: the definition of income under the Child Care legislation; enhancing accessibility to physiotherapy for EIA recipients; and providing training and education to Departmental staff.

SELECTED OVERVIEWS AND CASE SUMMARIES

The following case summaries have been selected to illustrate some typical appeal situations, and to explain the rationale the Board uses when making its decisions. It is hoped these summaries will provide some assistance for community members in understanding the function of the Board and what to expect when preparing for an appeal before the Board.

Sample #1

Program: Employment and Income Assistance (EIA)
Basis of Appeal: Income Assistance Insufficient
Appeal Detail: Shelter Costs
Decision: Allowed

The number of appeals relating to the allowable shelter allowance continues to rise. The Board sees cases where the shelter allowance has remained at the same rate for years, even though the rental rates have risen to levels above the allowable shelter allowance. The current shelter costs for a single person are $236 for a room or rent share situation, $271 for a self-contained suite, or $285 if the individual is considered a person with a disability. These rates include both rent and utility costs. The following case is one such illustration.

Case Details

The appellant was a male enrolled as a person with a disability. He had moved into his accommodations in 1996 while he was a general assistance recipient. The rent at that time was $270. The landlord increased the rent every year in accordance with the allowable provincial guideline rate. At the time of the appeal, the monthly rental rate was $293 which meant that the Department paid $285 each month and the appellant had to pay the additional $8.00 per month.

Decision

Although the amount of money being appealed was a relatively small amount, the Board felt that the annual increases in rent were beyond the control of the appellant. The appellant had indicated that due to his medical condition it would be detrimental to move to a new location. The Board also felt that the high rate of transience among single males on income assistance could be alleviated if the yearly, government approved rental increases were covered by the Department, especially in situations where a recipient has been a long-term resident. After deliberating, the Board felt it reasonable for the Department to pay the full rental

amount and as such, allowed the appeal and ordered the Department to cover the full rental amount to the end of the current lease agreement.

Sample #2

Program: Employment and Income Assistance (EIA)
Basis of Appeal: Income Assistance Insufficient
Appeal Detail: Provision of Goods
Decision: Allowed

The following case involves the allegation of providing goods in lieu of providing child maintenance payments.

Case Details

The appellant was a single mother who was not in receipt of child maintenance payments. An anonymous phone call to the Department indicated that the appellant was receiving child support on a monthly basis. The investigators in the case determined from an interview with the child's father that he did not provide monthly maintenance payments to the appellant, but that he did buy clothing for his son and estimated he spent between $100 to $150 per month on gifts of cash or clothing. As a result, the Department assessed an overpayment of $4,100 to represent the $100 per month for the 41 months the appellant had been in receipt of income assistance, as well as an ongoing monthly deduction of $100 from her monthly budget. At the hearing the appellant testified that the gifts to her son were very irregular, that sometimes the clothing was used and sometimes it was stolen. The appellant indicated that there was one period where her son had not seen his father for a seven- month period. An affidavit from the father indicated that he did not provide $100 worth of goods each and every month. The Department testified that generally they do not require children of income assistance recipients to declare holiday and birthday presents. A reporting requirement only occurs when the non-custodial parent's contributions are regular and subsidize the custodial parent's ability to provide the basic necessities for their child.

Decision

In making its decision, the Board reviewed what is considered to be a financial resource under the *Employment and Income Assistance Act*. The Act defines "financial resources" to include,

> *gifts and gratuities whether in cash or in kind received by an applicant, recipient or a dependant of the applicant or recipient on a one time basis or otherwise,*

In subclause 8(1)(a)(viii) of the Employment and Income Assistance Regulation, a specific exemption to financial resources is specified as follows;

> *gifts of a non-recurring nature received while in receipt of income assistance or general assistance, of a value up to $100. each.*

The Board understood from the testimony that the gifts given to the appellant's son were of a non-recurring nature and generally of a value less than $100. Therefore, the Board determined that these gifts met the definition of exempted financial resources. The Board allowed the appeal and ordered the overpayment to be cancelled and the monthly deduction to be removed from the budget. The appellant was advised to report gifts received by her son to her worker as they occurred.

Sample #3

Program: Child Care Subsidy Program
Respondent: Provincial Services
Basis of Appeal: Subsidy Insufficient
Decision: Dismissed

This case is an example of several appeals that have been filed under "subsidy insufficient" in which the Child Day Care Subsidy Program (now called the Child Care Subsidy Program) has denied a request to back-date a subsidy approval period beyond the maximum period allowed. In all cases, the Board dismissed the appeals against the Subsidy Program as they determined that the files had been appropriately administered in accordance with the regulations. The Board determined that although the applicant has a right to know when a subsidy approval expires, it is the child care facility's responsibility to ensure the individual is aware of the expiry date.

Case Details

The appellant was a single parent who claimed she was not aware of the expiry date of her subsidy and by the time she reapplied, her application was considered late. Upon approval of her new application, the Subsidy Program was only able to backdate her subsidy for two billing periods. As she incurred an outstanding debt to her child care facility, she appealed that the Subsidy Program should cover the outstanding back payment.

The appellant applied for subsidy and was approved for the period of October 12, 2003 to October 9, 2004. The day care office mailed her an approval form, dated October 8, 2003, which listed the approval period and specifically the expiry date of October 9, 2004. On August 7, 2004, the Subsidy Program mailed her (with a copy sent to her day care provider) a reminder notice of her subsidy expiry. She

indicated that she had received the original approval notice, but that she had not received the expiry notice. During the billing period in which her subsidy expired, the Subsidy Program provided her facility with a payment summary, which included a comment that the subsidy approval for her child had ended. (This notification is the third safeguard the subsidy office has built into its system.) In addition to the approval notice and the reminder letter sent to the parent, this step ensures the provider will be aware that the subsidy has expired. The assumption is that once a provider has been advised that subsidy has not been covered, they will bill the parent for the unsubsidized portion for this period of time. In this particular case, the day care provider was notified in August 2004 that the subsidy would expire October 9, 2004. The day care provider failed to inform the parent. Had she reapplied at that time, the backdating policy of the subsidy office would have been sufficient to cover the time lapse. Unfortunately, an additional four months passed before the provider advised the parent that subsidy was no longer being paid by the day care office. As such, the parent incurred a debt for services provided from October 10, 2004 to January 1, 2005.

Decision

The Board dismissed this appeal as it was determined that the Department appropriately administered this file. The Subsidy Program notified the parent of the approval period at the time of her application. Although it is not required, the Subsidy Program sent a reminder notice to the applicant as well as to the day care provider as a further precaution. As well, the Subsidy Program sent a payment summary to the day care facility which also identified any subsidies that had expired during that billing period. For each subsequent billing period, no monies were to be paid to the facility until the parent reapplied. As such, the day care provider did not receive any subsidy payments, did not notify the parent and continued to bill her at the subsidized rate for four months. When the parent re-applied, Child Day Care approved the subsidy for the entire billing period in which the application was received. As well, based on extenuating circumstances, one additional month was approved which represents the full extent of their backdating policy.

In rendering its decision, the Board believed that Child Day Care provided numerous reminders to both the parent and the facility about the expiry date and that it was the facility's responsibility to follow up with the parent. In addition, the Board felt that the failure of the child care facility to appropriately administer their business practices should not be the responsibility of the Subsidy Program. On that basis, the Board dismissed the appeal and in the decision letter encouraged the parent to advise the facility's parent Board of Directors what had occurred.

Sample #4

Program: Supported Living
Basis of Appeal: Application as a Vulnerable Person Denied
Decision: Allowed

This year the Appeal Board received four appeals under *The Vulnerable Persons Living with a Mental Disability Act* compared to none the previous year and one the year before. The following is an example of one of these appeals.

Case Details

The appellant was a seventeen-year old who was a ward of Child and Family Services. Child and Family Services had made an application for status as a Vulnerable Person in order to transition him into the Supported Living Program once he became an adult. The appellant resided with his grandparents in a rural setting. The application for Supported Living Services was denied as the appellant's IQ test scores did not suggest that he was significantly intellectually impaired, although his adaptive functioning scores were significantly below the required cut-off score. These test scores are the criteria which the Department uses to determine whether an individual is eligible to be enrolled under *The Vulnerable Persons Living with a Mental Disability Act*.

Under the Act, a vulnerable person is defined as:

> *an adult living with a mental disability who is in need of assistance to meet his or her basic needs with regard to personal care or management of his or her property.*

The Act also defines "mental disability" as:

> *significantly impaired intellectual functioning existing concurrently with impaired adaptive behavior and manifested prior to the age of 18 years, but excludes a mental disability due exclusively to a mental disorder as defined in section 1 of The Mental Health Act.*

In the Policy and Procedures Manual of the Supportive Living Program, the standards which must be met to establish significantly impaired intellectual functioning include: 1) a full scale IQ of approximately 70-75; 2) a clinical interpretation that the scores clearly validate the significant impairment.

Decision

In this particular case, the appellant's full scale IQ had been submitted at 76. However, the psychologist who testified at the appeal hearing stated that these tests were conducted in ideal circumstances in a setting in which the appellant was comfortable. It was his opinion that if the tests were conducted by an unknown third party in a clinical setting, that the scores would be significantly lower.

The Board determined that the full scale IQ of 76 was "approximately" 70-75, especially given the psychologist's testimony and extremely low adaptive functioning score of 58. Therefore, the Board ruled that the appellant did meet the legislative criteria to be considered a vulnerable person and the appeal was allowed.

Sample #5

Program: Employment and Income Assistance (EIA)
Basis of Appeal: Income Assistance Insufficient
Appeal Detail: Medical Eligibility
Decision: Dismissed

One of the most frequently appealed issues concerns the determination of medical eligibility as a person unable to work.

Case Details

This case involved a single male who was appealing the denial of his application to be enrolled in the EIA program as a person with a disability. The medical assessment submitted by the appellant indicated that he should avoid long periods of standing or walking, as well as avoid activities that could strain his back, such as lifting, pulling, pushing or climbing. The appellant's doctor also advised against manual labour and recommended that the appellant look for alternative employment if available. The Department indicated at the hearing that the medical panel did not feel that the appellant's specific physical condition rendered the appellant incapable of performing all types of employment and the appellant was therefore found ineligible under Section 5(1)(a) of *The Employment and Income Assistance Act*.

The appellant's legal counsel indicated that the combination of the appellant's physical condition, his battle with substance abuse, his age, the length of time he had been out of the workforce and the appellant's low education level should have all been considered when determining whether or not the appellant had the capacity to earn a living sufficient to meet his basic needs.

Decision

Clause 5(1)(a) of *The Employment and Income Assistance Act* specifically states:

> 5(1) The director shall provide income assistance, in accordance with this Act and the regulations, to or in respect of a person who, in the opinion of the director is a person
>
> (a) who, by reason of age or by reason of physical or mental ill health, or physical or mental incapacity or disorder that is likely to continue for more than 90 days.
>
> (i) is unable to earn an income sufficient to meet the basic necessities of himself and his dependents, if any; or...

In reviewing the appeal, the Board felt that the appellant would have a very difficult time securing employment due to the factors which were not considered when determining eligibility under Section 5(1)(a) of the Act. However, the Board interpreted the medical information to mean that physically, the appellant would be capable of performing sedentary work, and therefore, eligibility based on a physical or mental incapacity was denied.

CHAPTER S167

THE SOCIAL SERVICES APPEAL BOARD ACT

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LOI SUR LA COMMISSION D'APPEL DES SERVICES SOCIAUX

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CHAPTER S167

THE SOCIAL SERVICES APPEAL BOARD ACT

(Assented to July 6, 2001)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

DEFINITIONS AND PURPOSE

Definitions

1 In this Act,

"appeal board" means the Social Services Appeal Board referred to in section 3; (« Commission d'appel »)

"designated Act" means

(a) *The Adoption Act*,

(b) *The Community Child Day Care Standards Act*,

(c) *The Employment and Income Assistance Act*,

(d) *The Social Services Administration Act* or a regulation under that Act.

CHAPITRE S167

LOI SUR LA COMMISSION D'APPEL DES SERVICES SOCIAUX

(Date de sanction : 6 juillet 2001)

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative du Manitoba, édicte :

DÉFINITIONS ET OBJET

Définitions

1 Les définitions qui suivent s'appliquent à la présente loi.

« **comité** » Comité d'appel de la Commission d'appel. ("panel")

« **Commission d'appel** » La Commission d'appel des services sociaux indiquée à l'article 3. ("appeal board")

« **fonctionnaire désigné** » Personne qui, en vertu d'une loi désignée, peut rendre une décision ou donner un ordre à l'égard duquel la loi désignée prévoit un droit d'appel à la Commission d'appel, ou la personne à qui est délégué un tel pouvoir. ("designated officer")

(e) *The Vulnerable Persons Living with a Mental Disability Act*,

(f) any other Act or regulation designated as a designated Act in the regulations; (« loi désignée »)

"designated officer" means a person who has authority under a designated Act to make a decision or order for which there is a right of appeal under the designated Act to the appeal board, or the person to whom that authority is delegated; (« fonctionnaire désigné »)

"minister" means the minister appointed by the Lieutenant Governor in Council to administer this Act; (« ministre »)

"panel" means a panel of the appeal board. (« comité »)

« loi désignée »

a) La *Loi sur l'adoption*;

b) la *Loi sur les garderies d'enfants*;

c) la *Loi sur l'aide à l'emploi et au revenu*;

d) la *Loi sur les services sociaux* ou ses règlements d'application;

e) la *Loi sur les personnes vulnérables ayant une déficience mentale*;

f) tout autre loi ou règlement désigné par règlement. ("designated Act")

« ministre » Le ministre chargé par le lieutenant-gouverneur en conseil de l'application de la présente loi. ("minister")

Purpose
2 The purpose of this Act is to give Manitobans a fair, impartial and informal appeal process from decisions relating to various social services and programs.

Objet
2 La présente loi a pour objet de mettre à la disposition des Manitobains et Manitobaines un processus d'appel des décisions ayant trait à différents programmes et services sociaux qui soit informel, juste et impartial.

APPEAL BOARD

Social Services Appeal Board
3 The Social Services Advisory Committee, which was established under *The Social Services Administration Act*, is continued under this Act as the Social Services Appeal Board.

Members
4(1) The appeal board is to consist of 15 members appointed by the Lieutenant Governor in Council.

Who can be a member
4(2) The members of the appeal board must, in the opinion of the Lieutenant Governor in Council,

(a) be representative of the regional, economic and cultural diversity of Manitoba;

COMMISSION D'APPEL

Commission d'appel des services sociaux
3 Le Comité consultatif des services sociaux, établi en vertu de la *Loi sur les services sociaux*, est maintenu en vertu de la présente loi sous l'appellation de Commission d'appel des services sociaux.

Composition
4(1) La Commission d'appel se compose de 15 membres nommés par le lieutenant-gouverneur en conseil.

Membres
4(2) De l'avis du lieutenant-gouverneur en conseil, les membres de la Commission d'appel :

a) représentent la diversité régionale, économique et culturelle du Manitoba;

(b) be knowledgeable about social services and programs under designated Acts; and

(c) not be employees under the control of a minister responsible for a designated Act.

Two-year terms
4(3) Each member is to be appointed for a term of two years, and may be reappointed for two further two-year terms.

Reappointing a member
4(4) A member who has served for three terms may be reappointed for a further term, but only if at least one year has passed since the end of his or her last term.

Member continues to hold office
4(5) A member continues to hold office until he or she is reappointed, a successor is appointed or the appointment is revoked.

Remuneration and expenses
5 The members of the appeal board are to be paid remuneration and expenses at rates set by the Lieutenant Governor in Council.

Chair and vice-chair
6(1) The Lieutenant Governor in Council must designate one of the members of the appeal board as chair and one or more members as vice-chairs.

Duties of vice-chair
6(2) A vice-chair has the authority of the chair if the chair is absent or unable to act, or when authorized by the chair.

Staff
7 Any employees required to enable the appeal board to carry out its responsibilities may be appointed in accordance with *The Civil Service Act*.

Responsibilities of the appeal board
8 The appeal board has these responsibilities:

(a) to hear and decide appeals under designated Acts;

(b) at the minister's request, to advise and make recommendations about matters that relate to social services and programs in Manitoba;

b) sont bien informés des services et programmes sociaux que prévoient les lois désignées;

c) ne sont pas au service d'un ministre responsable de l'application d'une loi désignée.

Mandat de deux ans
4(3) Les membres sont nommés pour un mandat de deux ans et peuvent ensuite l'être pour deux autres mandats de deux ans.

Nomination après trois mandats
4(4) Le membre qui a terminé trois mandats peut être nommé de nouveau pour un autre mandat, pourvu qu'au moins une année se soit écoulée depuis la fin de son dernier mandat.

Continuation des mandats
4(5) Les membres exercent leur charge jusqu'à ce qu'ils soient nommés de nouveau, qu'un successeur leur soit nommé ou que leur nomination soit révoquée.

Rémunération et indemnités
5 Les membres de la Commission d'appel reçoivent une rémunération et des indemnités aux taux que fixe le lieutenant-gouverneur en conseil.

Présidence et vice-présidence
6(1) Le lieutenant-gouverneur en conseil désigne parmi les membres de la Commission d'appel un président et au moins un vice-président.

Fonctions du vice-président
6(2) En cas d'absence ou d'empêchement du président ou sur autorisation de ce dernier, la présidence est assumée par un des vice-présidents.

Personnel
7 Le personnel nécessaire à l'exercice des attributions de la Commission d'appel peut être nommé conformément à la *Loi sur la fonction publique*.

Attributions
8 La Commission d'appel :

a) entend et juge les appels interjetés dans le cadre des lois désignées;

b) conseille le ministre et lui fait des recommandations, à sa demande, sur toute question se rapportant aux services et aux programmes sociaux du Manitoba;

(c) on its own initiative, to advise and make recommendations to the minister about social services provided under the designated Acts;

(d) to perform any other duties assigned to it by an Act or regulation or by the minister.

Procedural rules
9 The appeal board may establish its own rules of practice and procedure and must make them available to the public.

Posting information about appeals
10 A designated officer must post information about the right to appeal to the appeal board, and about the appeal process, in a visible public location in any office in which decisions are made that can be appealed under a designated Act.

PANELS OF THE APPEAL BOARD

Board to sit in panels
11(1) The appeal board must sit in panels of three members when hearing appeals.

Assigning members to panels
11(2) The chair is to assign members to sit on panels.

Chair of panel
11(3) The chair or a vice-chair is to preside over a panel, or the chair may designate another member of the appeal board to preside.

Who is not eligible to be a member of a panel
11(4) A member of the appeal board is not eligible to sit on a panel if he or she

(a) is a relative of a party; or

(b) is not able to be impartial and independent about the outcome of the appeal.

Quorum
11(5) A quorum for a panel is the three members referred to in subsection (1).

c) peut, de sa propre initiative, conseiller le ministre et lui faire des recommandations à l'égard des services sociaux fournis en vertu des lois désignées;

d) exerce toute autre fonction que lui attribue une loi, un règlement ou le ministre.

Règles de procédure
9 La Commission d'appel peut établir ses propres règles de procédure, auquel cas elle les rend accessibles au public.

Affichage de l'information — appel
10 Les fonctionnaires désignés affichent l'information qui se rapporte au droit d'interjeter appel à la Commission d'appel ainsi qu'à la procédure d'appel dans un endroit public bien en vue situé dans un bureau où sont rendues des décisions pouvant faire l'objet d'un appel en vertu d'une loi désignée.

COMITÉS DE LA COMMISSION D'APPEL

Commission d'appel en comité
11(1) La Commission d'appel siège en comité de trois personnes pour entendre les appels.

Désignation des membres
11(2) Le président désigne les membres qui siègent aux comités.

Président du comité
11(3) Le président ou un des vice-présidents préside les séances des comités. Il est permis au président de désigner un membre pour en assumer la présidence.

Personne ne pouvant être membre d'un comité
11(4) Il est interdit à un membre de la Commission d'appel de siéger à un comité :

a) si l'une des parties et lui sont parents;

b) s'il n'est pas en mesure de faire preuve d'impartialité et d'indépendance quant à l'issue de l'appel.

Quorum
11(5) Le quorum d'un comité est formé des trois membres que vise le paragraphe (1).

Jurisdiction of panel
11(6) In considering and deciding an appeal,

(a) a panel has all the jurisdiction of the appeal board and may exercise the board's powers and perform its duties; and

(b) a decision of a majority of the members of a panel is the decision of the appeal board.

Compétence du comité
11(6) Dans le cadre d'un appel :

a) le comité a la compétence de la Commission d'appel et peut exercer les attributions de celle-ci;

b) la décision rendue par la majorité des membres du comité constitue la décision de la Commission d'appel.

APPEAL TO THE APPEAL BOARD

Filing an appeal
12(1) A person who has a right to appeal a decision or order to the appeal board under a designated Act may commence an appeal by filing a notice of appeal with the board.

Time limit for filing
12(2) A notice of appeal must be filed within 30 days after the date of the decision or order, unless the designated Act specifies a different time limit.

Extending the time limit
12(3) The appeal board may extend the time limit for commencing an appeal, and may do so either before or after the time limit expires.

Reasons
12(4) A notice of appeal must be in writing and must state the reasons for the appeal.

Parties
13(1) The parties to an appeal are the person who has a right to appeal to the appeal board and the designated officer under the designated Act.

Parties to be present
13(2) The appellant and the designated officer or a delegate of the designated officer must be present at the hearing or, if subsection 19(2) applies, must be able to communicate with each other and the appeal board simultaneously.

Advocates
14 At the appellant's request, another person may communicate with the appeal board at any time on the appellant's behalf and may be present with the appellant at the hearing.

APPEL À LA COMMISSION D'APPEL

Appel
12(1) Quiconque a le droit, en vertu d'une loi désignée, d'interjeter appel à la Commission d'appel d'une décision ou d'un ordre peut le faire en déposant un avis d'appel à la Commission.

Délai pour interjeter appel
12(2) L'avis d'appel est déposé dans les 30 jours qui suivent la date de la décision ou de l'ordre, sauf si la loi désignée prévoit un délai différent.

Prolongation du délai pour interjeter appel
12(3) La Commission d'appel peut prolonger le délai accordé pour interjeter appel, que ce délai soit expiré ou non.

Motifs
12(4) L'avis d'appel est par écrit et indique les motifs de l'appel.

Parties
13(1) Sont parties à un appel la personne qui a le droit d'interjeter appel à la Commission d'appel ainsi que le fonctionnaire désigné qu'indique la loi désignée pertinente.

Présence des parties
13(2) L'appelant et le fonctionnaire désigné, ou son délégué, doivent être présents à l'audience ou, si le paragraphe 19(2) s'applique, doivent pouvoir communiquer l'un avec l'autre ainsi qu'avec la Commission d'appel de façon simultanée.

Représentation
14 Toute personne peut, à la demande de l'appelant, communiquer avec la Commission d'appel en son nom et être présent à l'audience avec lui.

Notice to the designated officer
15(1) On receiving a notice of appeal, the appeal board must promptly give a copy of it to the designated officer.

Designated office must forward documents
15(2) On receiving the notice of appeal, the designated officer must promptly give the appeal board

(a) all of the documentary evidence on which the designated officer made the decision or order being appealed;

(b) any documents that the designated officer is specifically required to provide to the board under the designated Act; and

(c) any other documents the designated officer thinks might be relevant to the appeal.

Hearing date
16(1) For each appeal, the appeal board must arrange the earliest possible hearing date. The hearing must not be commenced more than 30 days after the board receives the notice of appeal, unless the board at the request of the appellant, grants an extension.

Notice
16(2) Unless the parties agree to a shorter period of notice, at least six days before the hearing the appeal board must give the parties written notice of the date, time and place of the hearing.

Parties may examine evidence
17 The appeal board must give each party a reasonable opportunity to examine and copy any information that has been submitted to the board for the purpose of the hearing.

Powers and duties of the board
18 The appeal board must inform itself fully of the facts concerning each appeal. For that purpose, the board

(a) may require the attendance of witnesses and the production of documents in addition to the witnesses called by the parties and the documents produced by the parties; and

(b) has the powers of a commissioner under Part V of *The Manitoba Evidence Act*.

Avis au fonctionnaire désigné
15(1) Dès réception d'un avis d'appel, la Commission d'appel en remet rapidement une copie au fonctionnaire désigné.

Documents à produire
15(2) Dès réception de l'avis d'appel, le fonctionnaire désigné fait parvenir rapidement à la Commission d'appel :

a) la preuve documentaire sur laquelle il s'est fondé pour rendre la décision ou donner l'ordre faisant l'objet de l'appel;

b) les documents qu'il est expressément tenu de fournir relativement à l'appel suivant la loi désignée;

c) tout autre document qui, à son avis, peut être pertinent.

Date d'audience
16(1) La Commission d'appel fixe, pour chaque appel, une date d'audience qui soit la plus rapprochée possible. L'audience commence au plus tard 30 jours après la réception par la Commission de l'avis d'appel, sauf si celle-ci accorde, à la demande de l'appelant, un délai plus long.

Avis
16(2) La Commission d'appel avise les parties par écrit de la date, de l'heure et du lieu de l'audience au moins six jours avant celle-ci, à moins que les parties ne conviennent d'une période de préavis plus courte.

Examen de la preuve par les parties
17 La Commission d'appel donne à chaque partie l'occasion d'examiner et de reproduire les renseignements qui lui ont été présentés aux fins de la tenue de l'audience.

Attributions de la Commission d'appel
18 La Commission d'appel s'informe de tous les faits ayant trait à chaque appel. Pour ce faire, elle :

a) peut exiger la comparution d'un témoin qui n'a pas été appelé et la production d'un document qui n'a pas été produit par une partie;

b) a les pouvoirs d'un commissaire nommé en vertu de la partie V de la *Loi sur la preuve au Manitoba*.

Hearing process: rules of evidence do not apply
19(1) The appeal board is not bound by the rules of evidence that apply to judicial proceedings.

Hearing by teleconference
19(2) A hearing may be held by means of a conference telephone call, or by another method of communication that permits the appeal board and the parties to communicate with each other simultaneously.

Closed hearing if appellant requests
19(3) The hearing is to be closed to the public if the appellant asks for it to be closed; otherwise it is to be open to the public.

Adjournment
19(4) The appeal board may adjourn a hearing when it considers it appropriate to do so.

Non-application des règles de preuve
19(1) La Commission d'appel n'est pas liée par les règles de preuve s'appliquant aux poursuites judiciaires.

Conférence téléphonique
19(2) Il peut être procédé à une audience au moyen d'une conférence téléphonique ou d'un autre moyen de communication permettant à la Commission d'appel et aux parties de communiquer entre elles simultanément.

Demande de huis clos
19(3) Les audiences se déroulent à huis clos si l'appelant en fait la demande; autrement, elles sont accessibles au public.

Ajournement
19(4) La Commission d'appel peut, si elle l'estime opportun, ajourner une audience.

ORDER OF THE APPEAL BOARD

Order of the board
20(1) Unless the designated Act states otherwise, after a hearing the appeal board may, by written order,

(a) confirm, vary or rescind the order or decision of the designated officer;

(b) make any order or decision that the designated officer could have made; or

(c) refer the matter back to the designated officer for further consideration by the designated officer in accordance with any direction of the appeal board.

Reasons
20(2) The appeal board must give written reasons for its order.

Time limit for making order
20(3) The appeal board must make its order within 15 days after the hearing ends.

ORDONNANCE DE LA COMMISSION D'APPEL

Ordonnance de la Commission d'appel
20(1) Sauf indication contraire de la loi désignée, la Commission d'appel peut, par ordonnance écrite :

a) confirmer, modifier ou annuler l'ordre ou la décision du fonctionnaire désigné;

b) donner l'ordre ou rendre la décision que le fonctionnaire désigné aurait pu donner ou rendre;

c) renvoyer l'affaire au fonctionnaire désigné afin que celui-ci la réexamine conformément aux directives qu'elle estime opportunes.

Motifs
20(2) La Commission d'appel indique par écrit les motifs de l'ordonnance qu'elle rend.

Délai pour rendre une ordonnance
20(3) La Commission d'appel rend son ordonnance dans les 15 jours qui suivent la fin de l'audience.

Order given to the parties
20(4) The appeal board must give the parties a copy of the order and inform them of their right to appeal a question of law or jurisdiction to The Court of Appeal.

Method of giving the order
20(5) The order must be given to the parties personally or by regular lettermail or by another method acceptable to the appeal board and the parties.

Order must be given effect
21 A designated officer must give effect to the order of the appeal board.

Reconsideration of the order
22(1) At the request of a party to the appeal or on its own initiative, the appeal board may reconsider all or part of its order and may confirm, vary, suspend or rescind its order.

Time limit for making request
22(2) A written request for a reconsideration, stating the reasons for the request, must be filed with the appeal board within 30 days after the date of the board's order.

Time limit for deciding request
22(3) The appeal board must, by order, make a decision as to whether an order will be reconsidered, within 15 days after the date the request for a reconsideration is filed.

Reasons
22(4) The board must give written reasons if it decides not to reconsider an order.

Remise de l'ordonnance aux parties
20(4) La Commission d'appel donne aux parties une copie de l'ordonnance et les informe de leur droit d'interjeter appel à la Cour d'appel sur une question de droit ou de compétence.

Ordonnance remise en main propre ou par courrier
20(5) L'ordonnance est remise en main propre aux parties ou leur est envoyée par poste-lettres ordinaire ou par tout autre moyen que la Commission d'appel et les parties estiment acceptable.

Exécution de l'ordonnance
21 Le fonctionnaire désigné exécute l'ordonnance de la Commission d'appel.

Réexamen de l'ordonnance
22(1) La Commission d'appel peut, à la demande d'une partie ou de son propre chef, réexaminer, en tout ou en partie, l'ordonnance qu'elle a rendue et la confirmer, la modifier, la suspendre ou l'annuler.

Délai pour déposer une demande de réexamen
22(2) La demande de réexamen se fait par écrit, est motivée et est déposée à la Commission d'appel dans les 30 jours qui suivent la date de l'ordonnance.

Délai — décision sur la demande de réexamen
22(3) La Commission d'appel décide, par ordonnance, si l'ordonnance sera réexaminée dans les 15 jours qui suivent la date du dépôt de la demande de réexamen.

Motifs
22(4) La Commission d'appel donne par écrit les motifs de sa décision dans l'éventualité où elle décide de ne pas réexaminer une ordonnance.

APPEAL TO COURT OF APPEAL

Appeal to Court of Appeal
23(1) Any party to the appeal before the appeal board may appeal the board's order to The Court of Appeal on any question involving the board's jurisdiction or on a point of law, but only after obtaining leave to appeal from a judge of The Court of Appeal.

APPEL À LA COUR D'APPEL

Appel à la Cour d'appel
23(1) Avec l'autorisation d'un juge de la Cour d'appel, toute partie à un appel devant la Commission d'appel peut interjeter appel à la Cour d'appel de l'ordonnance de la Commission d'appel sur une question qui touche la compétence de celle-ci ou sur une question de droit.

Time limit
23(2) An application for leave to appeal must be made within 30 days after the date of the appeal board's order, or within any further time that a judge allows.

Parties
23(3) The parties to the appeal before the appeal board, and the appeal board, are entitled to be heard on the application for leave to appeal and on the appeal itself.

Order of Court of Appeal
24 The Court of Appeal may

(a) quash, vary or confirm the order of the appeal board; or

(b) refer the matter back to the appeal board for further consideration in accordance with any direction of the Court.

REGULATIONS

Regulations
25 The Lieutenant Governor in Council may make regulations

(a) designating Acts or regulations for the purpose of the definition "designated Act" in section 1;

(b) respecting any other matter the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Act.

ANNUAL REPORT

Annual report
26 Within six months after the end of the government's fiscal year, the appeal board must provide the minister with a report about the board's activities during that fiscal year. The minister shall lay a copy of the report before the Legislative Assembly within 15 days after receiving it if the Assembly is sitting or, if it is not, within 15 days after the next sitting begins.

Délai
23(2) La requête en autorisation d'appel est présentée dans les 30 jours qui suivent la date de l'ordonnance de la Commission d'appel ou dans tout délai supplémentaire que fixe un juge.

Parties
23(3) La Commission d'appel et les parties à l'appel devant celle-ci ont le droit d'être entendues au sujet de la requête en autorisation d'appel et de l'appel à la Cour d'appel.

Ordonnance de la Cour d'appel
24 La Cour d'appel peut :

a) infirmer, modifier ou confirmer l'ordonnance de la Commission d'appel;

b) renvoyer l'affaire à la Commission d'appel afin que celle-ci la réexamine conformément aux directives qu'elle estime opportunes.

RÈGLEMENTS

Règlements
25 Le lieutenant-gouverneur en conseil peut, par règlement :

a) désigner des lois ou des règlements pour l'application de la définition de « loi désignée » à l'article 1;

b) prendre toute autre mesure qu'il estime nécessaire ou utile à l'application de la présente loi.

RAPPORT ANNUEL

Rapport annuel
26 Dans les six mois qui suivent la fin de l'exercice du gouvernement, la Commission d'appel présente au ministre un rapport sur ses activités pendant l'exercice. Le ministre dépose une copie du rapport devant l'Assemblée législative dans les 15 premiers jours de séance de celle-ci suivant sa réception.

PROTECTION FROM LEGAL ACTION

Protection from legal action

27 No action or proceeding for damages may be brought against the appeal board or any member of the board because of anything done or omitted in good faith

(a) in the performance or intended performance of a duty under this Act; or

(b) in the exercise or intended exercise of a power under this Act.

IMMUNITÉ

Immunité

27 La Commission d'appel et ses membres bénéficient de l'immunité pour les actes accomplis ou les omissions commises de bonne foi dans l'exercice effectif ou censé tel des attributions que leur confère la présente loi.

TRANSITIONAL

Transitional: definitions

28(1) *In this section,*

*"**former Act**" means The Social Services Administration Act, R.S.M. 1987, c. S165; (« ancienne loi »)*

*"**former designated Act**" means a designated Act as it read immediately before the coming into force of this Act. (« ancienne loi désignée »)*

Appeals already commenced

28(2) *Where on the day this Act comes into force an appeal under a former designated Act to the Social Services Advisory Committee under the former Act has been commenced but not finally disposed of, the appeal shall be continued and completed in accordance with that former designated Act as if this Act had not come into force.*

DISPOSITIONS TRANSITOIRES

Définitions transitoires

28(1) *Les définitions qui suivent s'appliquent au présent article.*

*« **ancienne loi** » La Loi sur les services sociaux, c. S165 des* **L.R.M. 1987.** *("former Act")*

*« **ancienne loi désignée** » Loi désignée telle qu'elle était libellée juste avant l'entrée en vigueur de la présente loi. ("former designated Act")*

Appels commencés

28(2) *Les appels qui sont commencés, en vertu d'une ancienne loi désignée, devant le Comité consultatif des services sociaux visé par l'ancienne loi mais qui ne sont pas terminés au moment de l'entrée en vigueur de la présente loi se poursuivent et sont tranchés conformément aux dispositions de l'ancienne loi désignée comme si la présente loi n'était pas entrée en vigueur.*

CONSEQUENTIAL AMENDMENTS

29 to 32 **NOTE: These sections contained consequential amendments to other Acts that are now included in those Acts.**

MODIFICATIONS CORRÉLATIVES

29 à 32 **NOTE : Les modifications corrélatives que contenaient les articles 29 à 32 ont été intégrées aux lois auxquelles elles s'appliquaient.**

33 **NOTE: This section contained consquential amendments to *The Social Services Administration Amendment Act*, S.M. 2000, c. 31, and is not yet proclaimed.**

34 **NOTE: This section contained consequential amendments to *The Vulnerable Persons Living with a Mental Disability Act* that are now included in that Act.**

C.C.S.M. REFERENCE AND COMING INTO FORCE

C.C.S.M. reference

35 This Act may be cited as *The Social Services Appeal Board Act* and referred to as chapter S167 of the *Continuing Consolidation of the Statutes of Manitoba*.

Coming into force

36(1) This Act, except section 33, comes into force on a day fixed by proclamation.

Coming into force: section 33

36(2) Section 33 comes into force on the day *The Social Services Administration Amendment Act*, S.M. 2000, c. 31, comes into force.

NOTE: S.M. 2001, c. 9, except section 33, was proclaimed in force February 18, 2002.

33 **NOTE : Les modifications corrélatives que contenait l'article 33 de la *Loi modifiant la loi sur les services sociaux*, L.M. 2000, c. 31, ne sont pas proclamés.**

34 **NOTE :Les modifications corrélatives que contenait l'article 34 ont été intégrées à la *Loi sur les personnes vulnérables ayant une déficience mentale* à laquelle elles s'appliquaient.**

CODIFICATION PERMANENTE ET ENTRÉE EN VIGUEUR

Codification permanente

35 La présente loi peut être citée sous le titre : *Loi sur la Commission d'appel des services sociaux*. Elle constitue le chapitre S167 de la *Codification permanente des lois du Manitoba*.

Entrée en vigueur

36(1) La présente loi, à l'exception de l'article 33, entre en vigueur à la date fixée par proclamation.

Entrée en vigueur de l'article 33

36(2) L'article 33 entre en vigueur en même temps que la *Loi modifiant la Loi sur les services sociaux*, c. 31 des *L.M. 2000*.

NOTE : Le chapitre 9 des *L.M. 2001*, sauf l'article 33, est entré en vigueur par proclamation le 18 février 2002.